

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT NASHVILLE

Assigned on Briefs September 19, 2007

**MICHAEL L. ANDERSON v.
STATE OF TENNESSEE, CHERYL LINDAMOOD, WARDEN**

**Direct Appeal from the Circuit Court for Wayne County
No. 14187 Stella Hargrove, Judge**

No. M2007-01353-CCA-R3-HC - Filed March 7, 2008

Petitioner appeals the trial court's dismissal of his petition for habeas corpus relief. Petitioner contends the trial court erred because the indictments on which his convictions are based are void, thereby denying the trial court the subject matter jurisdiction to convict him. After a thorough review of the record, we affirm the judgment of the trial court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

THOMAS T. WOODALL, J., delivered the opinion of the court, in which DAVID G. HAYES and JERRY L. SMITH, JJ. joined.

Michael L. Anderson, Clifton, Tennessee, *Pro Se*.

Robert E. Cooper, Jr., Attorney General and Reporter; Rachel West Harmon, Assistant Attorney General; and Michael Bottoms, District Attorney General, for the Appellee, State of Tennessee.

OPINION

Petitioner pled guilty to five counts of aggravated robbery, four counts of aggravated assault, and one count of criminal attempt to commit aggravated robbery in Shelby County on October 16, 1997. Petitioner's first application for writ of habeas corpus was denied in June of 2005. Petitioner filed the instant writ on March 21, 2007. The trial court entered an order denying Petitioner's application for relief on May 3, 2007. Petitioner timely filed this appeal.

Petitioner's argument is that the indictments on which his convictions are based are void, and as such the trial court lacked the requisite jurisdiction to convict him. Our Supreme Court has held that without a valid indictment, there can be no jurisdiction and no prosecution. *Dykes v. Compton*, 978 S.W.2d 528, 529 (Tenn. 1998). Further, the validity of an indictment and the efficacy of the resulting conviction may be addressed through a petition for writ of habeas corpus when the indictment is so defective as to deprive the court of jurisdiction. *Dykes*, 978 S.W.2d at 529.

An indictment must “state the facts constituting the offense in ordinary and concise language, without prolixity or repetition, in such a manner as to enable a person of common understanding to know what is intended.” T.C.A. § 40-13-202. “Generally stated, an indictment is valid if it provides sufficient information (1) to enable the accused to know the accusation to which answer is required, (2) to furnish the court adequate basis for the entry of proper judgment, and (3) to protect the accused from double jeopardy. *State v. Hill*, 954 S.W.2d 725, 727-29 (Tenn.1997) (citing *State v. Byrd*, 820 S.W.2d 739, 741 (Tenn.1991); *VanArsdale v. State*, 919 S.W.2d 626, 630 (Tenn. Crim. App.1995); *State v. Smith*, 612 S.W.2d 493, 497 (Tenn. Crim. App.1980)). “As a general rule, it is sufficient to state the offense charged in the words of the statute, or words which are equivalent to the words contained in the statute.” *State v. Tate*, 912 S.W.2d 785, 789 (Tenn. Crim. App. 1995).

Each of the indictments for aggravated robbery stated the name of Petitioner, the date the incident occurred, the words that Petitioner “did unlawfully, intentionally, knowingly and violently, by use of a deadly weapon, to wit: a pistol [and/or] a knife, obtain from the person of [victim] a sum of money, proper goods and chattels of [victim], in violation of T.C.A. 39-13-402” Each of the indictments for aggravated assault contain the name of Petitioner, the date at issue, and the language that Petitioner “did unlawfully and intentionally by use of a deadly weapon, to wit: a pistol [and/or] a knife cause [victim] to reasonably fear imminent bodily injury, in violation of T.C.A. 39-13-102” The single indictment for attempted aggravated robbery also contains the Petitioner’s name, the date the incident occurred, the offense charged (Attempted Aggravated Robbery), the code section, and the words that Petitioner “did unlawfully, intentionally, knowingly and violently, by use of deadly weapons, to wit: a pistol and a knife, attempt to obtain from the person of Renee Knight a sum of money, the proper goods and chattels of Renee Knight, in violation of Tennessee Code Annotated 39-12-101”

After reviewing all the indictments, we conclude that they performed their essential constitutional and statutory purposes as set forth in *Hill*. The language in the indictments was sufficient to give Petitioner notice regarding the crimes he was accused of committing, to give the court a basis to render judgment, and to protect Petitioner from double jeopardy. *See Hill*, 954 S.W.2d at 727-29. Further, because the indictments are constitutionally and statutorily sound, the trial court was vested with jurisdiction and the resulting judgments of conviction were valid. Accordingly, Petitioner is not entitled to habeas corpus relief.

CONCLUSION

For the foregoing reasons, the judgment of the trial court is affirmed.

THOMAS T. WOODALL, JUDGE